

THE OLDER PERSONS BILL, 2024

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THE OLDER PERSONS BILL, 2024

A Bill for

An Act of Parliament to give effect to Article 57 of the Constitution; to provide for a framework to deal effectively with the plight of older persons; to provide for the empowerment and protection of older persons including the promotion and maintenance of their status, well-being, dignity, safety, security and care; and for connected purposes.

ENACTED by the Parliament of Kenya, as follows—

PART I—PRELIMINARY

Short title.

1. This Act may be cited as the Older Persons Act, 2024.

Interpretation.

2. In this Act, unless the context otherwise requires—

“assistive devices” means implements, tools and other similar devices used by older persons to enable them to carry out their day-to-day activities;

“basic services” include food, clothing, medical care, housing, sanitation and water;

“Cabinet Secretary” means the cabinet secretary responsible for matters relating to older persons;

“care” means physical, psychological, social or material assistance to an older person and includes services aimed at promoting the quality of life and general well-being of the older person;

“caregiver” means any individual or organization that provides care to an older person;

“community-based care” means care offered at the community through programmes developed with the involvement of the community including older persons at all stages including planning, implementation and monitoring;

“frail older person” means an older person in need of twenty-four-hour care due to a physical or mental condition which renders him or her incapable of caring for himself or herself;

“home” means a place where older persons reside alone or with a family member;

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“home-based care” means care or services provided by a caregiver at the home of an older person to maintain the older person’s level of comfort and dignity but does not include care provided in a residential facility;

“older person” means a person who has attained the age of sixty years;

“rehabilitation” means a process by which an older person is enabled to reach and maintain his optimal physical, sensory, intellectual, psychiatric or social functional levels and includes measures to restore functions or compensate for the loss or absence of a function;

“residential facility” means a building or other structure used primarily for the purpose of providing accommodation and twenty-four-hour services to older persons;

“respite care” means provision of temporary care and relief to an older person by a caregiver; and

“Secretary” means the Secretary for Social Development appointed by the Public Service Commission of Kenya.

Guiding principles.

3. This Act shall be guided by the following principles-

- (a) the fair and equitable treatment of older persons devoid of discrimination on any ground including age, health status or disability;
- (b) empowerment of older persons to live meaningfully and constructively in a society that recognises them as important sources of knowledge and expertise;
- (c) giving appropriate support to older persons in accessing the justice system;
- (d) creation of opportunities for older persons to work or access other income -generating activities; and
- (e) according older persons access to appropriate educational and training programs including full inclusion and participation in the digital sphere, affordable and accessible care and support services.

Objects and purposes of the Act.

4. The objects and purposes of this Act are to –

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- (a) protect the rights of older persons from exploitation, violence, abuse and neglect;
- (b) create a favorable environment that enables older persons to live in dignity;
- (c) provide a framework for the registration, establishment and management of service or residential facilities for older persons;
- (d) enhance community awareness, understanding and strengthening of service responses for future decision making in providing safeguards for older persons;
- (e) access opportunities that promote their optimal level of social, physical, mental and emotional well-being;
- (f) participate in activities that enhance their income-generating capacity;
- (g) promote the participation of older persons in development processes; and
- (h) provide reasonable care and assistance to older persons.

Act to Supersede.

5. This Act shall supersede any other Act in all matters relating to older persons.

PART II–SAFEGUARDS FOR THE RIGHTS OF OLDER PERSONS

Social protection.

6. Every older person is entitled to –
- (a) receive timely payment of pension upon retirement from their employment and other forms of social security;
 - (b) non-taxable lump sum pension payment owing to the fact that the accumulation of pension is based on individual’s taxed earnings;
 - (c) be provided with income security for those older persons who did not have the opportunity to contribute to any social security provisions;
 - (d) lean processes and procedures that are decentralized, simple and dignified in accessing their pensions;

- (e) disclosure of the amount payable as pension; and
- (f) continuous review of the pension sum in consonance with the current macro- economic realities.

Social support.

- 7.** An older person has the right to—
- (a) special measures of protection in keeping with their physical or moral needs;
 - (b) mutual social and communal care and support in advancing their welfare in the society and passing of their knowledge to younger population groups;
 - (c) corrective measures in those areas where discrimination and all forms of stigmatization against older persons continue to exist in law and in fact;
 - (d) safe humane treatment, protection and respect at all times and access to health services that meet their specific needs and shall not be left without needed medical assistance and care;
 - (e) receive equal treatment and protection under the law;
 - (f) rehabilitation, provision of assisted devices or living and access to information through education and training which provide accommodation, care and support services for older persons who need specialized care;
 - (g) make decisions regarding their own well-being without undue influence from any person or entity and have the right to appoint a party to make decisions that are in their best interest and well-being;
 - (h) enjoy all aspects of life, including active participation in socio-economic development, cultural programmes, leisure and sports; and
 - (i) appropriate work opportunities taking into account to their medical and physical abilities, skills and experiences;

Duties of older persons.

- 8.** Older persons shall in respect to their families, communities, the wider society, have regard to-
- (a) play a role in mediation and conflict resolution;
 - (b) foster and facilitate inter generation dialogue and solidarity

with their families and communities; and

- (c) mentor and pass on knowledge and experience to the younger generation.

PART III–SUPPORT SERVICES AND COMMUNITY- BASED CARE FOR OLDER PERSONS

Older
Community-
programmes.

Persons
Based

- 9.** (1) The Secretary may in collaboration with the Cabinet Secretary

- (a) develop community-based programmes in the following categories-

- (i) home-based care that ensures maximum care for frail older persons within the community through a comprehensive range of integrated services; and

- (ii) prevention and promotion programmes which underline the independent living which provides safe and accessible accommodation to active older persons in the community where they reside;

- (b) determine how any persons who runs a programme contemplated in paragraph (a) above, may be supported either financially or otherwise; and

- (c) monitoring and evaluation of community-based care and support services.

- (2) Subject to the provisions of subsection (1), any programme shall be aimed for the following purposes-

- (a) establishment of recreational opportunities for older persons;

- (b) the utilization and management of existing facilities as multi-purpose community centres;

- (c) integrated community care and development systems for older persons;

- (d) provision of nutritionally balanced meals to needy older persons;

- (e) spiritual, cultural, civic, medical and social services;

- (f) economic empowerment;

- (g) affirmative action programmes, incentives that support family members who provide home-based care for older persons;
- (h) counselling and referral services;
- (i) inter-generational programmes;
- (j) promotion of skills, retooling and capacity of older persons to sustain their livelihoods; and
- (k) professional services including care and rehabilitation;

Home-based programmes.

10. (1) Home-based programmes for older persons within the community may include-

- (a) provision of hygienic care, respite care and physical care;
- (b) provision of free health care to frail older persons and to other older persons as may be determined by the Secretary; and
- (c) professional and lay support for the care of older persons at home.

(2) Home-based care programmes established by county governments shall be implemented for older persons who –

- (a) are isolated and have no family member or caregiver who can care for them;
- (b) need of skilled services, case management and any assistance instrumental for their daily living activities; and
- (c) suffer from any form of physical, mental or other infirmity.

(3) A county government and any persons who is registered under this Act, may for the purposes of providing home-based care services to older persons who are resident in the county, establish home care centres within the county.

(4) Any person who provides home-based care must ensure that care givers receive adequate training as may be prescribed.

Registration of community-based care and support services.

11. (1) Any person who intends to provide community-based care and support services must apply to the Secretary for the registration of such services.

(2) No person may provide community-based care and support services unless registered under this Act.

(3) A person who renders community-based care and support services that has not been registered, commits an offence.

Registers.

12. The Secretary must keep registers of-

- (a) all care givers providing home-based care to older persons;
- (b) institutions registered under this Act;
- (c) older persons living in any residential institutions of care; and
- (d) persons and organizations undertaking community-based and support services.

PART IV—PROTECTION AND CARE FOR OLDER PERSONS

Rights of older persons.

13. Every older person in the society shall have the right pursuant to Article 57 of the Constitution, to –

- (a) participate in activities that promote their optimal level of social, mental, physical and emotional well-being;
- (b) access social and legal services for the enhancement of their protection under the Constitution of the right to live in dignity and protection;
- (c) fully participate in the affairs of the community to pursue and protect their interests and capabilities;
- (d) receive reasonable care, assistance and protection from their family and State;
- (e) pursue activities that enhance their personal development and build capacity to generate income and take part in activities that foster their economic development;
- (f) benefit from family and community care and protection in line with the society's system of cultural values; and

(g) reside at home for as long as is possible.

Community-based programmes.

14. (1) Each County Government may establish and implement community-based programmes for the care and protection of older members of society who reside within the county.

(2) subject to the provisions of sub-section (1), community based-programmes shall entail –

(a) home-based care programmes that ensure that older members of society residing in the county who suffer from any form of mental or physical infirmity and are unable to provide for themselves receive care through a comprehensive range of integrated services; and

(b) prevention and promotion programmes that promote or seek to promote the independent living of older members of society residing within the county.

(3) Community-based programmes by the county governments shall-

(a) integrate community care and development systems for older persons;

(b) include the delivery of spiritual, medical, civic, cultural and other social services to older persons within the county;

(c) promote family and community awareness on the care of older persons within the county and sensitize them on care and support; and

(d) comprise county-specific interventions that address the needs of older persons within the county.

(4) The county governments may put in place such infrastructure, including community centres and facilities in order to provide community-based care and support services under this Act.

Obligations of the National and County Governments with respect to older persons.

15. (1) The national and county governments shall subject to their Constitutional mandate promote the care and protection of older persons and put in place programmes and projects that promote the generation of income by older persons that progressively lead them, as far as possible, to live independently and in dignity.

(2) The national government shall –

- (a) develop, review and implement national policies on older persons;
- (b) establish and maintain a national database, a management information system and social needs of older persons in order to put in place adequate mechanisms for the provision of services to address those needs;
- (c) promote periodic research, data collection, analysis and the sharing and dissemination of information on the welfare of older persons;
- (d) adopt a national strategy to promote the realization of the rights of older persons as enumerated in Article 57 of the Constitution;
- (e) conduct public sensitization programmes and promote access to information on the care and management of older persons; and
- (f) collaborate with the county governments in the development of infrastructure for the care, rehabilitation and provision of basic services to older persons.

(3) The county governments shall, subject to their mandate under the Constitution –

- (a) formulate and implement county-specific policies, legislation and strategies for older persons;
- (b) comply with the uniform norms and standards for social protection under this Act;
- (c) allocate resources for interventions on provisions to older persons;
- (d) develop a county registry for older persons in every county;
- (e) establish or accredit residential care centres, social centres and other facilities for care of older persons within the county in accordance with this Act; and

- (f) monitor and supervise institutions, organisations and other persons involved in the delivery of social services to older persons in the county and coordinate their delivery within the county.

(4) The national and county governments and any other person providing services to older persons shall –

- (a) take into account the multi-dimensional needs of older persons and promote their fulfilment;
- (b) promote the development and basic care of older persons in the rural and urban areas;
- (c) recognize the social, cultural and economic contribution of older persons; and
- (d) prevent the of exploitation of older persons and promote the respect and dignity of older persons.

(5) The Secretary may, in collaboration with the relevant County Executive Committee Member in a County-

- (a) develop community-based programmes on prevention of abuse and protection of older persons; and
- (b) determine how a person who runs a programme contemplated under paragraph (a) may be supported, either financially or through other support mechanisms.

PART V – NATIONAL STANDARDS FOR RESIDENTIAL INSTITUTIONS OF CARE FOR OLDER PERSONS

Requirements for residential institutions of care.

16. Every residential institution of care for older persons shall –

- (a) address the needs of older persons within the different levels of dependency;
- (b) have autonomy in decision-making after obtaining informed consent in all aspects of care for older persons;
- (c) safeguard and protect older persons from all forms of abuse; and

- (d) promote morbidity, access to community resources and participation in society to the extent possible.

Minimum standards of care.

17. Every residential institution of care for older persons shall adopt the following minimum standards-

- (a) a person-centred care approach that recognises the older persons rights and the centrality of interpersonal relationships;
- (b) respect for older person's privacy at all times;
- (c) provision of medical and nursing care to retain optimal physical and mental health in order to maintain the highest level of independence;
- (d) promoting self-fulfilment of older persons through access to social, recreational, cultural, educational, productive and spiritual resources;
- (e) equal treatment of older persons regardless of their age, sex, race, ethnic origin, cognitive level, marital or family status and beliefs; and
- (f) safeguard a culture of active ageing that enables independence and dignity with advancing age.

Older persons rights in residential facilities.

18. An older person residing in a residential institution of care for older persons has the right to-

- (a) participate in social, religious and community activities of his or her choice;
- (b) access to basic care;
- (c) reasonable access to assistance and visitation;
- (d) privacy;
- (e) medical care including the appointment of his or her own physician; and

(f) appoint a representative to act on his or her behalf.

Services at residential facilities.

19. A residential institution of care for older persons may provide the following services-

- (a) temporary accommodation of older persons at risk;
- (b) twenty-four-hour care and support services to persons who need specialized care;
- (c) respite care;
- (d) care and supervision services to older persons who are suffering from dementia and related diseases;
- (e) rehabilitation services;
- (f) public education and awareness on issues of ageing;
- (g) recreational activities;
- (h) training of volunteer caregivers to deal with older persons including frail older persons;
- (i) assisted living which provides accommodation, care and support services for older persons who need specialized care;
- (j) independent living which provides safe and accessible accommodation to active older persons;
- (k) counselling services; and
- (l) rehabilitation services.

Powers of the Secretary.

20. The Secretary may-

- (a) enter and inspect any institution of older persons;
- (b) inspect, photocopy, print out or copy onto disk any documents, whether held in electronic or paper form that the Secretary believes on reasonable grounds to be those of the institution; or

- (c) remove any document specified in paragraph (b), whether in its original form or as an electronic or paper copy.

Ancillary powers of the Secretary.

21. The Secretary may designate any person to –

- (a) monitor a residential institution of care;
- (b) conduct inquiries on any older person cared for or accommodated in any residential institution of care;
- (c) report on the findings of any investigations or outcome of inspections;
- (d) submit any documents for inspection; and
- (e) inquire into the well-being of any such older person.

Staffing.

22. Every institution of care for older persons shall be served by at least by-

- (a) a social worker;
- (b) a care giver; and
- (c) a nurse,

depending on the size of the institution.

PART VI – PROTECTION FROM ABUSE AND HARMFUL TRADITIONAL PRACTICES

Protection from abuse, exploitation and violence.

23. (1) Every older person has a right to be protected against all forms of abuse, exploitation and violence.

(2) Any conduct or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress or likely to cause harm or distress to an older person constitutes abuse of an older person.

(3) For the purpose of this section, “abuse” includes physical, sexual, psychological and economic abuse and –

- (a) “physical abuse” means any act or threat of physical violence towards an older person, including unlawful

detention, medical sedation or shackling, deprivation of nutrition or medical care, neglect or exploitation of an older person in any manner;

(b) “sexual abuse” means any conduct that violates the sexual integrity of an older person;

(c) “psychosocial abuse” means any pattern of degrading or humiliating conduct towards an older person including repeated –

(i) invasion of an older person’s privacy, liberty, integrity or security;

(ii) threats to cause emotional pain;

(iii) accusations on witchcraft and the resultant mob lynching; and

(iv)insults, ridicule or name calling.

(e) “economic abuse” means the –

(i) disposal of household effects or other property that belongs to the older person without the older person’s consent;

(ii) unreasonable deprivation of economic and financial resources which the older person requires out of necessity; or

(iii)deprivation of economic and financial resources which the older persons is entitled under any law.

(4) Any person who abuses an older person is guilty of an offence.

(5) If a court, after having convicted a person of any crime or offence, finds that the convict has abused an older person in the commission of such or offence, such finding shall be regarded as an aggravating circumstance for sentencing purpose.

Register of abuse of older persons.

24. (1) The Secretary shall in the prescribed manner, keep a register of-

- (a) persons convicted of abuse of an older person or any crime or offence contemplated in section 23 (4) of the Act; and
 - (b) incidences of abuse against older persons and actions taken.
- (2) A person whose name appears in the register contemplated under subsection (1) may not in any way –
- (a) provide any community-based care or support service to an older person; or
 - (b) operate or be employed at any residential facility.

PART VII- SOCIAL ASSISTANCE PROGRAMMES FOR OLDER PERSONS

Cash Transfer programmes for older persons.

25. (1) There shall be an older persons' cash transfer programme targeting older persons in need of social assistance.

(2) The purpose of the cash transfer programme for older persons is to provide social assistance to older persons through regular and predictable cash transfer to older persons to enable them live in dignity and to exploit their human potential.

(3) The specific objectives of the cash transfer shall be –

- (a) for purposes of reducing mobility and mortality of older persons;
- (b) to build capacity of care givers to care, retain and protect beneficiaries within their households; and
- (c) to increase the beneficiary households to cope with vulnerabilities.

Eligibility for social assistance.

26. A person shall qualify for social assistance as an elderly person if the person –

- (a) has attained the age of 70 years;
- (b) has been neglected or abandoned without any ascertainable means of support; or
- (c) lives or begs on the streets for a living.

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Suspension or cancellation of social assistance. **27.** The Secretary may suspend or cancel social assistance to older persons if the social assistance was –

(a) approved or granted in error or mistake; or

(b) obtained through misrepresentation, fraud, deceit or failure to disclose any material information.

Lapse of social assistance to older persons. **28.** Social assistance to older persons lapses if the beneficiary –

(a) dies; or

(b) voluntarily withdraws from the assistance; or

(c) permanently relocates outside Kenya.

Differences on the amount payable in cash transfer or pension. **29.** (1) If an older person is receiving an amount of pension higher than the amount eligible in a cash transfer, the cash transfer shall not apply.

(2) Conversely, if a person receiving pension, the amount of pension is less than that of cash transfer, that person may apply to the Secretary for the difference between the cash transfer sum and pension applicable.

Upscale of cash transfer or pension. **30.** The government shall progressively upscale the cash transfer programmes or pension to vulnerable older persons to ensure its sustainability.

Refund to the Government. **31.** If money is erroneously paid to an older person not entitled under this Act, the amount of money so paid shall be due to the State and payable to State and if the person is deceased shall be payable by the estate of the person.

PART VIII- MISCELLANEOUS PROVISIONS

General Penalty. **32.** A person who is convicted of an offence under this Act for which no penalty is provided shall be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding three (3) years, or to both.

Regulations. **33.** (1) The Cabinet Secretary may make Regulations generally for the better carrying out of the provisions of this Act.

(2) Notwithstanding the generality of sub section (1), the Cabinet Secretary may make Regulations –

(a) for the minimum standards for the care of older persons;

- (b) setting out the minimum standards for the establishment and management of institutions of care for older persons;
- (c) prescribing the criteria and assessment procedures for admission of a person into an institution of care;
- (d) for cash transfer programme for older persons;
- (e) prescribing the conditions for registration and deregistration for community-based care and support services, including-
 - (i) applications for registration;
 - (ii) approval of registration;
 - (iii) temporary registration; and
 - (iv) withdrawal and termination of registration;
- (f) prescribing measures to –
 - (i) prevent, combat and deal with abuse of older persons;
 - (ii) promote the rights of older persons in residential facilities;
 - (iii) promote the rights of older persons that are not in residential facilities; and
 - (iv) be taken to advance persons disadvantaged by unfair discrimination;
- (g) setting out the qualifications required to be held by persons managing or employed in an institution of older person; and
- (h) prescribing a code of conduct for care givers; and
- (i) on any other ancillary matter as may be deemed necessary.

PART IX- TRANSITIONAL PROVISIONS

Existing residential institutions or homes.

34. Every residential institution or homes or community-based care and support services for older persons which was, immediately

before the commencement of this Act, registered as a residential institution for older persons shall at the commencement of this Act, be deemed registered under this Act:

Provided that a residential institution or home or community-based care and support services for older persons to which this section applies, shall within a period of two (2) years after commencement of this Act, put in place measures to ensure compliance with the provisions of this Act, failure to which such institution or home or community-based care and support services, shall automatically cease to be registered.

Existing Cash Transfer Programme for older persons.

- 35.** Any older person receiving any sum from an existing cash transfer programme for older persons, immediately before the commencement of this Act, shall continue to so receive such sum under the cash transfer programme for older persons under the provisions of this Act.

MEMORANDUM OF OBJECTS AND REASONS

Statements of the Objects and Reasons for the Bill

The principal object of this Bill is to give effect to Article 57 of the Constitution of Kenya, 2010 on the rights of older persons to –

- (a) fully participate in the affairs of the society;
- (b) pursue their personal development;
- (c) receive reasonable care and assistance from their family and the State; and
- (d) live in dignity and respect and be free from abuse.

Globally, population ageing is a global phenomenon that has profound implications for human rights of all. The number of older persons aged 65 and above is projected to double to 2.1 billion in 2050, where one in six people in the world will belong to that cluster.

While increasing longevity is a manifestation of the progress

achieved in human development and health over the last decades, the rapid demographic shift has also shed light on the lack of adequate protection mechanisms, exposing severe gaps in the policies and programmes relating to older persons.

The lack of a comprehensive and integrated legal architecture or instrument to promote and protect the rights and dignity of older persons in Kenya, continue to have a spiral effect on the mechanisms and systems in place to address the plight of older persons.

Most international and national policies and programmes continue to address ageing from the perspective of welfare and social well-being, failing to take cognizance of the human rights-based approach that views older persons as equal rights-holders and not only as beneficiaries of support and assistance.

In Kenya, severe gaps have emerged in the protection measures to shoulder older persons from violence, abuse and neglect. Often, older persons are presently, victims of fraudulent dealings, physical and emotional abuse within and outside households.

With advancing age, older persons have to cope with many predicaments including health safety problems, some of which may be chronic and of multiple nature and require constant attention and long-term management.

Instructively, older persons are often reluctant to access the justice system to seek remedies owing to their perception, due to the complexity and technical nature of the formal justice system and lack of access to technology.

The Bill therefore, sets out an architecture or an enabler to support older persons in order to realize the rights enshrined in Article 57 of the Constitution.

Part I of the Bill deals with the Preliminary Provisions of the Bill including the objects and purposes of the Bill and the principles to guide those to implement the Act.

Part II of the Bill provides safeguards for the rights of older persons including their entitlement to lumpsum payment of pension owing to the fact that the lumpsum payment of pension is based on an individual's taxed earnings.

The Bill further provides that older persons are entitled to the right to mutual social and communal care and support in advancing their welfare in the society in order to pass their knowledge to younger population groups.

Part III of the Bill provides for support services and establishment of community-based care programmes for older persons by the national and county governments, aimed to among other things, integrate community care and development systems for older persons; provision of nutritionally balanced meals to needy older persons; spiritual, cultural, civic, medical and social services; economic empowerment; recreational opportunities; affirmative action and intergenerational programmes.

Clause 10 of the Bill provides for home-based care programmes for older persons within communities for the provision of among other things, hygienic care and physical care and provision of free health care to frail older persons.

Part IV of the Bill provides for protectionist measures and care for older persons and a breakdown of the specific rights conferred to older persons. It also specifically sets out duties of national and county governments for the realization of those rights.

Part V of the Bill enumerates national standards for residential institutions of care for older persons. **Clause 17 of the Bill** sets out minimum standards for a person-centred approach that recognizes the right of older persons and centrality of interpersonal relationships.

Clause 20 of the Bill provides the powers of the Secretary of Social Development as the principal duty bearer in national government for older persons.

Part VI of the Bill provides for measures to protect older persons from abuse, exploitation and violence and defines what acts constitute “abuse”.

Part VII of the Bill provides social assistance initiatives for older persons and more particularly, anchors into law, the older persons cash transfer programme targeting older persons in need of social assistance.

Clause 26 of the Bill sets out the eligibility criteria for social assistance to older persons. **Clause 29 of the Bill** provides where there is a difference on the amount payable in the cash transfer or pension, the cash transfer shall not apply, if the older person is receiving a higher amount of pension than the amount eligible in a cash transfer.

Part VIII of the Bill deals with Miscellaneous Provisions. It provides for a general penalty for any person convicted of an offence under this Act for which no specific penalty is provided.

Part IX of the Bill makes provision for transition of existing residential institutions or homes or community-based care and support services existing immediately before commencement of this Act, which shall be deemed registered under this Act.

However, residential institutions or homes or community-based care and support services, are required to re-register under this Act within a period of two (2) years, failing which such institutions or homes or community-based care and support services shall automatically cease to be registered.

Clause 35 of the Bill provides that any older person receiving any sum from an existing older persons' cash transfer programme, immediately before the commencement of this Act, shall continue to receive such sum under the cash transfer programme for older persons under this Act.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill confers on the Cabinet Secretary the powers to make Regulations under the Act for purposes of operationalizing the Act in order to implement the objectives and purpose set out under **Clause 4 of the Bill**.

Further, this Bill does not limit any fundamental rights or freedoms.

Statement on how the Bill concerns County Governments

This Bill is expected to provide a framework through which the County governments shall put in place mechanisms for the implementation of policies and programmes necessary for the realization of the rights of older persons under the Constitution.

In particular, Counties are expected to establish homes and implement programmes within the counties for the care of older persons.

The County governments through the respective County Executive Committee Members, are responsible for the registration of homes for older persons and are expected to ensure, through continuous monitoring, that such homes meet the minimum safety standards under the Act.

This Bill is therefore, a Bill concerning County governments in terms of Article 110 (1) (a) of the Constitution of Kenya, 2010.

The Older Persons Bill, 2024

Statement that the Bill is not money Bill, within the meaning of Article 114 of the Constitution of Kenya, 2010.

This Bill is a money Bill within the meaning of Article 114 of the Constitution of Kenya, 2010.

Dated the....., 2024.

Kimani Ichung'wa,
Leader of Majority Party,
National Assembly.